

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF TENNESSEE  
3 AT GREENEVILLE  
4

5 UNITED STATES OF AMERICA,

6  
7 PLAINTIFF,

8  
9 VS

NO: 2:11-CR-81

10  
11 WILLIAM H. MCMAHAN, JR.

12 ET AL,

13  
14 DEFENDANTS.  
15

16  
17 SCHEDULING CONFERENCE

18 HONORABLE DENNIS H. INMAN, PRESIDING

19 AS HEARD ON NOVEMBER 1, 2011  
20  
21  
22  
23  
24  
25

**Barringer Court Reporting**  
**P.O. Box 8035, Gray, TN - 423-477-7844**

## 1 APPEARANCES:

2 THE GOVERNMENT: CARYN L. HEBETS, ESQ.

3  
4 FOR DEFENDANTS:

5 WILLIAM H. MCMAHAN, JR.: EDWARD HOLT, ESQ.

6 BUFORD W. ROGERS: K. BOLTON, ESQ.

7 LEE R. SHARP: ANDREA MOHR, ESQ.

8 RODNEY M. SETTLES: MARSHA M. ARNURIUS, ESQ.

9 AUDREY J. JINKS: R. ALEXANDER BROWN, ESQ.

10 RICHARD H. BLACK: KARMEN L. WATERS, ESQ.

11 JOYCE A. ROBERTS: JEFFERSON B. FAIRCHILD, ESQ.

12 VICTOR L. LOVEDAY, SR.: JOSEPH W. RASNIC, ESQ.

13 DANNY L. RICHARDSON: SANDRA B. JELOVSEK, ESQ.

14 ROBBIE L. LANGFORD: J. MATTHEW BOLTON, ESQ.

15 CHARLES T. PARKER: ROBERT B. DICKERT, ESQ.

16 DALLAS B. PARSLEY: RUSSELL T. GREEN, ESQ.

17 BILLY C. GIBSON: L. DUDLEY SENTER, III, ESQ.

18 JAYSON D. COX: GUY W. BLACKWELL, ESQ.

19 MONICA M. DENTON: K. BOLTON, ESQ.

20 TERRY W. MILLER: CHARLES R. MARTIN, ESQ.

21 MELONIE A. MONTANARO: DONALD E. SPURRELL, ESQ.

22 BRANDON L. MILLER: MARK S. HANOR, ESQ.

23 RODNEY E. TULLOCK: ERIC REACH, ESQ.

24  
25  
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1           This cause came on to be heard on this the  
2           1st of November, 2011 in the United States District  
3           Court, Eastern District of Tennessee at Greeneville,  
4           before the Honorable Dennis H. Inman. Present and  
5           representing the Plaintiff was Ms. Caryn L. Hebets.  
6           Counsel for Defendants are present via conference call  
7           and in Courtroom. Recording was not taken by Barringer  
8           Court Reporting.

9  
10           The following matters were presented,  
11           to-wit:

12  
13           CLERK: Case number 2:11-CR-81 United States  
14           of America Versus William H. McMahan, Jr., et al.

15           THE COURT: Alright. Everyone seen or know  
16           of the trial dates, available trial dates?

17           UNKNOWN: Will you go over those one more  
18           time I missed one of them?

19           THE COURT: What did he say?

20           MS. HEBETS: Could you go over those one more  
21           time?

22           THE COURT: Okay. January, we've got people  
23           in custody, don't we, Ms. Hebets?

24           MS. HEBETS: Yes.

25           THE COURT: January 3rd, 5th, 10th, 12th,

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1 17th, 18th, 25th. Hearing nothing may I suggest  
2 January 18th?

3 MR. DICKERT: Judge, this is Robert Dickert,  
4 I would prefer, since I already have several things  
5 scheduled that week, that it commence on the 25th?

6 THE COURT: Alright. Anyone have any  
7 problems with January 25th?

8 MR. RASNIC: Judge, this is Joe Rasnic. I  
9 have a State trial that begins on that day.

10 MR. HOLT: On behalf of Mr. McMahan, January  
11 the 25th, we have a State trial beginning that day, Mr.  
12 Bell (phonetically) and I do.

13 THE COURT: Alright. January 12th?

14 MR. HANOR: Your Honor, this is Mark Hanor, I  
15 have a conflict that date.

16 MR. DICKERT: This is Robert Dickert, I do  
17 too. I have a sentencing in this Court and two, two  
18 sentencings in two different State Courts.

19 THE COURT: Okay, people. January 10th?

20 MS. HEBETS: Your Honor, The United States is  
21 currently scheduled for a trial starting January 9th  
22 that's going to go until...

23 UNKNOWN: Judge, we also have matters that  
24 day.

25 THE COURT: What kind of matters do you have?

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1 UNKNOWN: Well, we have, we have a State  
2 trial, The State Versus Norris, I believe it's in Roane  
3 (phonetically) County that day.

4 THE COURT: Alright. January 3?

5 MR. HANOR: Your Honor, this is Mark Hanor, I  
6 have a trial scheduled that afternoon.

7 THE COURT: What Court?

8 MR. HANOR: Virginia State Court in Abingdon,  
9 Virginia.

10 THE COURT: January 5? January 5 is the  
11 trial date.

12 UNKNOWN: Oh, gosh, okay.

13 THE COURT: Okay. Happy New Year to  
14 everyone. Pre-Trial Conference and Motion Hearing,  
15 Discovery ready to go?

16 MS. HEBETS: It will be sent out today or  
17 tomorrow, Your Honor.

18 THE COURT: Thank you. Mr. Brown, I just set  
19 your trial date for January 5. That's Mr. Jefferson  
20 Fairchild. I still set Mr. Brown's trial for January  
21 5. Goodness, we have 21 Defendants, good grief.  
22 (Inaudible). I hate that holiday. November, what we  
23 can do on our Pre-Trial Conference, Motion Hearing  
24 dates, I'd like to split these up. Keep them  
25 manageable. Monday, November the 28th, Tuesday the

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1 29th, 30th, and 1st and 2nd of December, through that  
2 week. Let's stay off Monday if we can. (Inaudible).  
3 Alright. Defendant McMahan, which of those three days?

4 MR. HOLT: The 28th or the 29th, Your Honor.

5 THE COURT: 29th at nine o'clock.

6 MR. MARTIN: Your Honor, I have, this is  
7 Charles Martin, I have a Deposition in a civil case, so  
8 and I represent Terry Miller, so I would ask for  
9 another date.

10 THE COURT: Well, I gave you three dates.  
11 Why are you assuming I'm trying to cram you on the  
12 29th?

13 MR. MARTIN: I'm sorry, Your Honor, 28th,  
14 29th and 30th, were those there three dates?

15 THE COURT: 29th, 30th and December 1.

16 MR. MARTIN: December 1, yes, Your Honor...

17 THE COURT: Let me take these by order or  
18 I'll never keep these straight. McMahan is going to be  
19 on the 29th at nine o'clock. Buford Rogers? Ms.  
20 Bolton?

21 MS. K. BOLTON: Any date would be okay.

22 THE COURT: Any date would be okay. Boy I  
23 love to hear that. That's music to my ears. Okay.  
24 Wednesday November 30 at nine o'clock. Okay, Lee  
25 Sharp. Mr. Gregory Isaacs and Andrea Mohr, Thursday,

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1 December 1. And these are all nine o'clock until I say  
2 otherwise. Rodney Settles?

3 MS. ARNURIUS: Yes, Your Honor, is the 28th  
4 at nine o'clock.

5 THE COURT: I don't, I haven't made, Ms.  
6 Heberts, can you function on Monday the 28th?

7 MS. HEBETS: I can make that work.

8 MS. ARNURIUS: I'm sorry, Your Honor. I  
9 thought the 28th was an available date, if not the 29th  
10 is fine.

11 THE COURT: Okay. Let's go with the 29th  
12 then. Settles is on the 29th, Tuesday at nine o'clock.  
13 Audrey Jinks is going to be on November the 30th at  
14 nine o'clock. Richard Black?

15 MS. WATERS: Your Honor, the 29th.

16 THE COURT: Alright. Joyce Roberts, Mr.  
17 Fairchild?

18 MR. FAIRCHILD: Your Honor, any date that...

19 THE COURT: What about December 1?

20 MR. FAIRCHILD: That's fine with me.

21 THE COURT: Victor Loveday?

22 MR. RASNIC: Senior or Junior?

23 MS. HEBETS: Senior.

24 MR. RASNIC: Senior, Your Honor, December  
25 1st. This is Joe Rasnic.

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1 THE COURT: I'm sorry, I was looking for  
2 Rasnic Senior and I said when did that change on me?  
3 Yeah, Loveday, Sr?

4 MR. RASNIC: December 1st if it's alright,  
5 Your Honor.

6 THE COURT: That will be fine. Loveday, Sr.  
7 December 1. Okay. Richardson?

8 MS. JELOVSEK: Your Honor, could I have the  
9 29th?

10 THE COURT: You sure could. Langford?  
11 Langford will be on the 30th, Ms. Lamb. Okay. Okay.  
12 Now Mr. Dickert, I'm thinking about setting up a 1:30  
13 docket on any of these three days, would that interest  
14 you?

15 MR. DICKERT: That would be fine, Your Honor.  
16 How about the 1st?

17 THE COURT: That will be fine. So Mr. Parker  
18 will be on December 1 at 1:30. Parsley?

19 MR. GREEN: Your Honor, I can do the 28th,  
20 29th or 30th.

21 THE COURT: I haven't opened up the 28th yet  
22 so, but I'm sorry what did you say about the other  
23 dates?

24 MR. GREEN: 29th or the 30th.

25 THE COURT: What about the 30th at 9:00?

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1 MR. GREEN: That's fine, Your Honor.

2 THE COURT: Parsley will be on the 30th of  
3 November at nine o'clock. Gibson, Mr. Senter, is he on  
4 the phone with us? He's not on the phone with us. So  
5 Mr. Gibson, what should I do with Mr. Gibson? I shall  
6 place Mr. Gibson on Thursday, December 1 on the nine  
7 o'clock docket. Cox, Mr. Blackwell?

8 MR. BLACKWELL: Good morning, Your Honor.  
9 Any day will do.

10 THE COURT: Any day will do. Shall I put you  
11 on the December 1 at 1:30?

12 MR. BLACKWELL: That sounds good.

13 THE COURT: Okay. Thanks. Let's see,  
14 Defendant Denton, Ms. Bolton, you're doing double duty  
15 today, aren't you?

16 MS. BOLTON: Yes, Sir. Any date.

17 THE COURT: Let's try Thursday, December 1 at  
18 1:30. Okay. Mr. Martin, now you're on.

19 MR. MARTIN: Thursday, December the 1st at  
20 1:30, please, Your Honor?

21 THE COURT: Okay. So Terry Miller's Hearing  
22 is December 1 at 1:30. Montanaro, Mr. Spurrell? Ms.  
23 Hebets, you got enough feel for this at this early  
24 stage to tell me when I'm pushing the envelope too far  
25 on the number of people set on any given date?

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1 MS. HEBETS: No, Your Honor, I think that  
2 December 1 at nine o'clock would be a great time to put  
3 Ms. Montanaro.

4 THE COURT: At what time?

5 MS. HEBETS: Nine o'clock.

6 THE COURT: December 1 at nine o'clock.

7 MS. HEBETS: Yes.

8 THE COURT: Mr. Hanor, what about your client  
9 Mr. Miller?

10 MR. HANOR: Any date is fine except for  
11 December 1 at nine o'clock.

12 THE COURT: Okay. What about November the  
13 29th at nine o'clock?

14 MR. HANOR: That would be fine, Your Honor.

15 THE COURT: And lastly, Mr. Reach, on behalf  
16 of your client, Mr. Tullock?

17 MR. REACH: Yes, Your Honor, can we do either  
18 the 29th or the 1st at 1:30?

19 THE COURT: Yes, what about December 1 at  
20 1:30?

21 MR. REACH: That will be fine, Your Honor.

22 THE COURT: Okay. That's it, isn't it? Let  
23 me go over these now folks just so, this gets  
24 complicated and I'm easily confused. Alright. The  
25 following individuals are set on Tuesday, November the

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1 29th at nine o'clock, McMahan, Settles, Black,  
2 Richardson, Miller.

3 MS. HEBETS: Brandon Miller.

4 THE COURT: We got two Millers?

5 MS. HEBETS: Yes.

6 THE COURT: Oh, see there, see there, yeah.  
7 Thank you. Who's the other Miller?

8 MS. HEBETS: Terry Miller.

9 THE COURT: Terry, okay. Brandon Miller on  
10 Tuesday the 29th at nine o'clock. These folks are set  
11 on Wednesday, November the 30th at nine o'clock,  
12 Rogers, Jinks, Langford and Parsley. These people are  
13 set on December 1 which is a Thursday at nine o'clock,  
14 Sharps, Roberts, Loveday, Sr., Gibson and Montanaro.  
15 And these folks are set on December 1 at 1:30, Parker,  
16 Cox, Denton, Terry Miller, Tullock. Is that it? Okay.  
17 Great. And your Motion cutoff for everybody, these are  
18 only three days apart anyway, that's why you need to  
19 get your Discovery ASAP lawyers. I've got to telescope  
20 this a little bit, so many Defendants here...

21 MS. HEBETS: Your Honor, I just wanted to  
22 bring something to The Court's attention. I probably  
23 should have mentioned this earlier. Discovery is going  
24 to consist of more than 80 discs, DVD discs and CD's.  
25 So it is going to take, it is very well organized but

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1 it is going to take some time for attorneys to get to  
2 all of that stuff.

3 THE COURT: Is it set up now on the disks so  
4 that by use of some search term or whatever any given  
5 lawyer can extricate from the disc what is immediately  
6 applicable to his or her client?

7 MR. HEBETS: Some of the discs you can, Sir.  
8 Some of them are set up chronologically with, with the  
9 person's, pertinent person's name identified so that  
10 they can easily go through and look at what's on that  
11 disk and see if their client is involved in any  
12 activity that's referenced on it.

13 THE COURT: Well, it's, it's not my, I don't  
14 know if I'm going to places I shouldn't go or not. And  
15 I don't really understand it. And it's not, I am not  
16 trying to send business to any place for any reason but  
17 I am, I understand that Thomas Farrow (phonetically),  
18 former FBI agent and now private eye, has developed  
19 some sort of software program where he will  
20 differentiate Discovery amongst a host of Defendants  
21 like that. And I would invite Defense counsel to at  
22 least get together briefly to discuss that. I'm only  
23 going to pay for that one time and I think that's what  
24 Mr. Farrow holds out that he will do. That he will do  
25 that for all Defendants and so, put this huge Discovery

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1 in a manageable pile for each Defense lawyer. It's  
2 going to show up on, I guess, one Defendant's bill  
3 unless you all split it among yourself, which I will  
4 pay for that one time, not otherwise. And once again,  
5 I don't really understand it. You're invited to talk  
6 to Mr. Farrow to see how it works. If you think it  
7 will work. He thinks it will work and insists that it  
8 is ultimately a money saving device for the CJA Panel  
9 and The Court because you're only paying for it one  
10 time and all lawyers benefit from it. But with that  
11 said, get your Discovery fast lawyers because I'm  
12 having to telescope this, got no choice. Ms. Heberts  
13 has got 21 Defendants she's going to have to file  
14 responses to.

15 UNKNOWN: Judge, I didn't hear it a minute  
16 ago but is the Discovery available now?

17 THE COURT: In a day or two.

18 UNKNOWN: Okay.

19 THE COURT: Wow. Okay. Your Discovery  
20 cutoff is November the 18th. Plea bargain cutoff is  
21 December 22nd. Okay. Anything else we need to do as  
22 far as this Scheduling Conference is concerned? Yes,  
23 Ma'am.

24 UNKNOWN: May I ask a question, Your Honor,  
25 and it goes back to the Discovery and I've, I've seen

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1 Mr. Farrow's Discovery and it's excellent, I mean the  
2 way he organizes it is wonderful but for one client.  
3 I've not seen it for like when he would do it for, you  
4 know, everybody but I'm very interested in that because  
5 it certainly would save me hours and hours of going  
6 through everybody else's that I have no clue what, you  
7 know, who they are anyway. When you say you'll only  
8 pay for it once, does that mean that we all attorneys  
9 have to, all of us get together and do it?

10 THE COURT: Not necessarily and I'm, either  
11 all of you share it or one of you bear the brunt and  
12 it will be paid for in other words. But I'm not going  
13 to pay 100 percent of Mr. Farrow's cost two and three  
14 and four, up to 21 times. That's what I was trying to  
15 say.

16 UNKNOWN: Right, but if like half of us  
17 wanted to do it, the other have to do their own or  
18 something?

19 MR. HANOR: Your Honor?

20 THE COURT: Yes.

21 MR. HANOR: Mark Hanor, I have dealt with Mr.  
22 Farrow on the (inaudible) case where he did something  
23 similar and what he did was he kept track of his total  
24 time then he divided that time among the number of  
25 attorneys he helped. And so that way each attorney

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1       paid for a portion of the total cost he spent  
2       developing the software (inaudible)...

3               UNKNOWN: That was my recollection also, Your  
4       Honor. And it came out to far less than, it just came  
5       out to a very reasonable total cost.

6               THE COURT: Yeah, that sounds like, does that  
7       answer your question?

8               UNKNOWN: I think so, Your Honor. That would  
9       be great.

10              THE COURT: Yeah, and once again, I'm, it's,  
11       I feel a little bit sheepish mentioning a private  
12       investigator specifically like that but he has  
13       developed this system which he considers proprietary, I  
14       might point out. And I don't understand what he does,  
15       I just see the end result. And like Ms. Jelovsek says,  
16       it's helpful. And we're also in the mode folks, you  
17       know, Congress is getting plum stingy and that's where  
18       your money comes from I hasten to point out. I, I'm  
19       getting, I'm almost to the point of having to pay you  
20       with Chinese yen. Anything else? Okay. Thank you all  
21       very much.

22  
23  
24       THIS CONCLUDES THE SCHEDULING CONFERENCE AS PRESENTED  
25       IN THIS MATTER

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## CERTIFICATE

I, C.D. Neal, Notary Public and Court Reporter, hereby certify that the foregoing is a true and complete transcript of the Scheduling Conference as heard in the aforementioned case on the 1st of November, 2011.

WITNESS my hand and official seal at office at Gray, Tennessee, this the 6th of February, 2013.

By: 

NOTARY PUBLIC



My Commission Expires: October 24, 2016

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